

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FLOYD DALE HERBIG and
FLOYD DEAN HERBIG,

Plaintiffs,

v.

CIV No. 12-384 LH/CEG

JAMES LEROY FIELD and OVERTON TRANSPORTATION,
a Subsidiary of SYSCO CORPORATION and acquired by
GREATWIDE LOGISTICS SERVICES, Third-Party Logistics
Services,


Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition ("PFRD"), filed on February 14, 2013. (Doc. 88). In the PFRD, the Magistrate Judge recommended that Plaintiffs pay Defendants the reasonable costs and attorneys' fees for filing *Defendants' Motion for Sanctions Pursuant to Rule 37*, (Doc. 33), and *Defendants' Response to Order to Show Cause*, (Doc. 37). The Magistrate Judge also recommended that the Court establish as a fact, for the purposes of jurisdiction, that the amount in controversy exceeds \$75,000. The parties were notified that written objections to the PFRD were due within fourteen days. (Doc. 88 at 5). No objections have been filed and the deadline of March 4, 2013 has passed. The recommendation of the Magistrate Judge are adopted by this Court.

IT IS THEREFORE ORDERED that Plaintiff shall pay Defendant the reasonable costs and attorneys' fees for filing *Defendants' Motion for Sanctions Pursuant to Rule 37* and *Defendants' Response to Order to Show Cause*.

IT IS FURTHER ORDERED that, for purposes of jurisdiction, the amount in controversy exceeds \$75,000.



SENIOR UNITED STATES DISTRICT JUDGE